PUBLIC LAW 99-194—DEC. 20, 1985

ARTS, HUMANITIES, AND MUSEUMS AMENDMENTS OF 1985

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Public Law 99-194
99th Congress

An Act

Dec. 20, 1985
[S. 1264]

To amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Arts, Humanities, and Museums Amendments of 1985.
Cultural programs.
20 USC 951 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arts, Humanities, and Museums Amendments of 1985".

TITLE I—AMENDMENTS TO NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

SEC. 101. TECHNICAL AMENDMENT; SHORT TITLE.

98 Stat. 223.

The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.) is amended—

(1) by striking out

"TITLE I—ENDOWMENTS FOR ARTS AND HUMANITIES", and

20 USC 951 note.

(2) in section 1 by striking out "title" and inserting in lieu thereof "Act".

SEC. 102. DECLARATION OF PURPOSE.

98 Stat. 223.

Section 2 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951) is amended—

(1) in clause (2) by striking out "man's",

(2) in clause (3)—

(A) by inserting ", and access to the arts and the humanities," after "education", and

(B) by striking out "men" and inserting in lieu thereof "people of all backgrounds and wherever located",

(3) in clause (7) by striking out "and" at the end thereof,

(4) by redesignating clause (8) as clause (9), and

(5) by inserting after clause (7) the following new clause:

Schools and colleges.

"(8) that Americans should receive in school, background and preparation in the arts and humanities to enable them to recognize and appreciate the aesthetic dimensions of our lives, the diversity of excellence that comprises our cultural heritage, and artistic and scholarly expression; and".

SEC. 103. DEFINITIONS.

Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952) is amended—

(1) in subsection (a)—

(A) by inserting "and interpretation" after "study" the first place it appears, and

(B) by inserting "to reflecting our diverse heritage, traditions, and history and" after "particular attention", and

(2) in subsection (d)(2)—

(A) by inserting "for purposes of sections 5(l) and 7(h) only," after "(2)",

(B) by inserting "or humanistic" after "artistic", and

(C) by inserting "and the National Council on the Humanities, as the case may be," after "the National Council on the Arts".

SEC. 104. ESTABLISHMENT OF A NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.

Section 4(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 953(a)) is amended— 98 Stat. 223.

(1) by striking out "Humanities,," and inserting in lieu thereof "Humanities,", and

(2) by striking out "(hereinafter established)".

SEC. 105. ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE ARTS.

Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954) is amended—

(1) in subsection (b)(1) by striking out "chairman" and inserting in lieu thereof "chairperson";

(2) in subsection (c)—

(A) by redesignating clauses (4), (5), and (6) as clauses (6), (7), and (8), respectively, and

(B) by inserting after clause (3) the following new clauses:

"(4) projects and productions which have substantial artistic and cultural significance and that reach, or reflect the culture of, a minority, inner city, rural, or tribal community; Minorities.

"(5) projects and productions that will encourage public knowledge, understanding, and appreciation of the arts;",

(C) by striking out "clause (5)" in the second sentence of such subsection and inserting in lieu thereof "clause (8)", and

(D) by adding at the end thereof the following:

"In selecting individuals and groups of exceptional talent as recipients of financial assistance to be provided under this subsection, the Chairperson shall give particular regard to artists and artistic groups that have traditionally been underrepresented.";

(3) in subsection (g)(2)—

(A) in clause (B) by striking out "and" at the end thereof,

(B) in clause (C) by striking out the period at the end thereof and inserting in lieu thereof ", including a description of the progress made toward achieving the goals of the State plan;", and

(C) by inserting after clause (C) the following new clauses:

"(D) provides—

"(i) assurances that the State agency has held, after reasonable notice, public meetings in the State to allow all groups of artists, interested organizations, and the public to present views and make recommendations regarding the State plan; and

"(ii) a summary of such recommendations and the State agency's response to such recommendations; and

"(E) contains—

"(i) a description of the level of participation during the previous 2 years by artists, artists' organizations, and arts

organizations in projects and productions for which financial assistance is provided under this subsection;

"(ii) a description of the extent to which projects and productions receiving financial assistance under this subsection are available to all people and communities in the State; and

"(iii) a description of projects and productions receiving financial assistance under this subsection that exist or are being developed to secure wider participation of artists, artists' organizations, and arts organizations identified under clause (i) of this subparagraph or that address the availability of the arts to all people or communities identified under clause (ii) of this subparagraph.

Prohibition. No application may be approved unless the accompanying plan satisfies the requirements specified in this subsection.";

(4) in subsection (i) by striking out "he" and inserting in lieu thereof "the Secretary of Labor";

(5) in subsection (l)(1)(D)—

(A) by inserting "and local arts agencies" after "local arts groups", and

(B) by striking out "including support of professional artists in community-based residencies;" and inserting in lieu thereof the following: "including—

"(i) support of professional artists in community based residencies;

"(ii) support of rural arts development;

"(iii) support of and models for regional, statewide, or local organizations to provide technical assistance to cultural organizations and institutions;

"(iv) support of and models for visual and performing arts touring; and

"(v) support of and models for professional staffing of arts organizations and for stabilizing and broadening the financial base for arts organizations;";

(6) by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson";

(7) by striking out "his" each place it appears and inserting in lieu thereof "the Chairperson's"; and

(8) by adding at the end thereof the following new subsection:

"(m) The Chairperson of the National Endowment for the Arts shall, in consultation with State and local agencies, relevant organizations, and relevant Federal agencies, develop a practical Education. system of national information and data collection on the arts, artists and arts groups, and their audiences. Such system shall include artistic and financial trends in the various artistic fields, trends in audience participation, and trends in arts education on national, regional, and State levels. Such system shall also include information regarding the availability of the arts to various audience segments, including rural communities. Not later than one year after the date of the enactment of the Arts, Humanities, and *Ante*, p. 1332. Museums Amendments of 1985, the Chairperson shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a plan for the development and implementation of such system, including a recommendation regarding the need for any additional funds to be appropriated to develop and implement such system. Report. Such system shall be used, along with a summary of the data

submitted with State plans under subsection (g), to prepare a periodic report on the state of the arts in the Nation. The state of the arts report shall include a description of the availability of the Endowment's programs to emerging, rural, and culturally diverse artists, arts organizations, and communities and of the participation by such artists, organizations, and communities in such programs. The state of the arts report shall be submitted to the President and the Congress, and provided to the States, not later than October 1, 1988, and biennially thereafter.". Report. Report.

SEC. 106. NATIONAL COUNCIL ON THE ARTS.

Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955) is amended— 98 Stat. 224.

(1) in subsection (b)—

(A) by striking out "Chairman" the first place it appears and inserting in lieu thereof "Chairperson",

(B) by striking out "Chairman of the Council" and inserting in lieu thereof "Chairperson of the Council",

(C) in clause (1)—

(i) by inserting "(A)" after "who", and

(ii) by inserting before the semicolon at the end thereof the following: "and (B) have established records of distinguished service, or achieved eminence, in the arts",

(D) in the last sentence by striking out "him" and inserting in lieu thereof "the President", and

(E) by adding at the end thereof the following:

"In making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities who are involved in the arts."; President of U.S. Discrimination, prohibition.

(2) in subsection (c) by striking out "his" each place it appears and inserting in lieu thereof "such member's";

(3) in subsection (d) by striking out "Chairman" and inserting in lieu thereof "Chairperson";

(4) in subsection (e) by striking out "Chairman" and inserting in lieu thereof "Chairperson"; and

(5) in subsection (f)—

(A) in the first sentence by striking out "his" and inserting in lieu thereof "the Chairperson's",

(B) in the second sentence by striking out "he" and inserting in lieu thereof "the Chairperson",

(C) in the third sentence by striking out "$17,500" and inserting in lieu thereof "$30,000", and

(D) by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson".

SEC. 107. ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES.

Section 7 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956) is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking out "chairman" and inserting in lieu thereof "chairperson", and

(B) in paragraph (2) by striking out "his" each place it appears and inserting in lieu thereof "the Chairperson's";

(2) in subsection (c)—

(A) by redesignating clauses (4), (5), (6), and (7) as clauses (6), (7), (8), and (9), respectively, and

(B) by inserting after clause (3) the following new clauses:

Research and development. Minorities.

"(4) initiate and support programs and research which have substantial scholarly and cultural significance and that reach, or reflect the diversity and richness of our American cultural heritage, including the culture of, a minority, inner city, rural, or tribal community;

"(5) foster international programs and exchanges;",

(C) in clause (3) by striking out "workships" and inserting in lieu thereof "workshops",

(D) by striking out "clause (6)" in the second sentence of such subsection and inserting in lieu thereof "clause (8)", and

(E) by adding at the end thereof the following:

Education.

"In selecting individuals and groups of exceptional talent as recipients of financial assistance to be provided under this subsection, the Chairperson shall give particular regard to scholars, and educational and cultural institutions, that have traditionally been underrepresented.";

(3) in subsection (f)—

(A) in paragraph (2)(A)—

(i) in the first sentence by striking out "the Arts and Humanities Act of 1980" and inserting in lieu thereof "the Arts, Humanities, and Museums Amendments of 1985",

(ii) in clause (ii) by inserting "officer" after "chief executive" each place it appears,

(iii) in clause (v) by striking out "and" at the end thereof,

(iv) in clause (vi) by striking out the period at the end thereof and inserting in lieu thereof ", including a description of the progress made toward achieving the goals of the State plan;", and

(v) by inserting after clause (vi) the following new clauses:

"(vii) provides—

"(I) assurances that the State agency has held, after reasonable notice, public meetings in the State to allow scholars, interested organizations, and the public to present views and make recommendations regarding the State plan; and

"(II) a summary of such recommendations and of the response of the State agency to such recommendations; and

"(viii) contains—

"(I) a description of the level of participation during the previous two years by scholars and scholarly organizations in programs receiving financial assistance under this subsection;

"(II) a description of the extent to which the programs receiving financial assistance under this subsection are available to all people and communities in the State; and

"(III) a description of programs receiving financial assistance under this subsection that exist or are being developed to secure wider participation of scholars and scholarly organizations identified under subclause (I) of this clause or that address the availability of the humanities to all people

or communities identified under subclause (II) of this clause.

No application may be approved unless the accompanying plan satisfies the requirements specified in this subsection."; Prohibition.

(B) in paragraph (2)(B)(i)—

(i) by striking out "four" and inserting in lieu thereof "six", and

(ii) by striking out "20 per centum" and inserting in lieu thereof "25 per centum",

(C) in paragraph (3)—

(i) in clause (G) by striking out "and" at the end thereof,

(ii) in clause (H) by striking out the period at the end thereof and inserting in lieu thereof ", including a description of the progress made toward achieving the goals of the plan;", and

(iii) by inserting after clause (H) the following new clauses:

"(I) provides—

"(i) assurances that the grant recipient has held, after reasonable notice, public meetings in the State to allow scholars, interested organizations, and the public to present views and make recommendations regarding the plan; and Grants.

"(ii) a summary of such recommendations and of the response of the grant recipient to such recommendations; and

"(J) contains—

"(i) a description of the level of participation during the previous two years by scholars and scholarly organizations in programs receiving financial assistance under this subsection;

"(ii) a description of the extent to which the programs receiving financial assistance under this subsection are available to all people and communities in the State; and

"(iii) a description of programs receiving financial assistance under this subsection that exist or are being developed to secure wider participation of scholars and scholarly organizations identified under clause (i) of this subparagraph or that address the availability of the humanities to all people or communities identified under clause (ii) of this subparagraph.

No application may be approved unless the accompanying plan satisfies the requirements specified in this subsection."; Prohibition.

(4) by striking out the last sentence of subsection (g) and inserting in lieu thereof "The Secretary of Labor shall prescribe standards, regulations, and procedures necessary to carry out this subsection not later than 180 days after the date of the enactment of the Arts, Humanities, and Museums Amendments of 1985."; Regulations.

(5) by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson"; and

(6) by adding at the end thereof the following new subsections:

"(j) It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent or the State, State agency, or entity receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on construction projects Grants. State and local governments.

assisted under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

5 USC app.

Education.

"(k) The Chairperson of the National Endowment for the Humanities shall, in consultation with State and local agencies, other relevant organizations, and relevant Federal agencies, develop a practical system of national information and data collection on the humanities, scholars, educational and cultural groups, and their audiences. Such system shall include cultural and financial trends in the various humanities fields, trends in audience participation, and trends in humanities education on national, regional, and State levels. Not later than one year after the date of the enactment of the Arts, Humanities, and Museums Amendments of 1985, the Chairperson shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a plan for the development and implementation of such system, including a recommendation regarding the need for any additional funds to be appropriated to develop and implement such system. Such system shall be used, along with a summary of the data submitted with plans under subsection (f), to prepare a report on the state of the humanities in the Nation. The state of the humanities report shall include a description of the availability of the Endowment's programs to emerging and culturally diverse scholars, cultural and educational organizations, and communities and of the participation of such scholars, organizations, and communities in such programs. The state of the humanities report shall be submitted to the President and the Congress, and provided the States, not later than October 1, 1988, and biennially thereafter.

Report.

Report.

Report.

"(l) Not later than January 31, 1986, the Chairperson of the National Endowment for the Humanities shall transmit to the Equal Employment Opportunity Commission each plan and each report required under any regulation or management directive that is issued by the Commission and is in effect on such date of enactment.".

Report.
Regulation.

SEC. 108. ESTABLISHMENT OF THE NATIONAL COUNCIL ON THE HUMANITIES.

Section 8 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 957) is amended—

98 Stat. 224.

(1) in subsection (b)—

(A) in the first sentence by striking out "Chairman of the National Endowment for the Humanities, who shall be the Chairman" and inserting in lieu thereof "Chairperson of the National Endowment for the Humanities, who shall be the Chairperson",

(B) in the second sentence by striking out "selected on the basis of" and inserting in lieu thereof "individuals who (1) are selected from among private citizens of the United States who are recognized for their broad knowledge of, expertise in, or commitment to the humanities, and (2) have established records of", and

(C) by adding at the end thereof the following:
"In making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities who are involved in the humanities."; President of U.S. Discrimination, prohibition.

(2) in subsection (c) by striking out "his" each place it appears and inserting in lieu thereof "such member's";

(3) in subsections (d), (e), and (f) by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson"; and

(4) in subsection (f)—

(A) in the first sentence by striking out "his" and inserting in lieu thereof "the Chairperson's", and

(B) in the second sentence by striking out "he" and inserting in lieu thereof "the Chairperson".

SEC. 109. ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES.

Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended— 98 Stat. 224.

(1) in subsection (b)—

(A) in the first sentence by striking out "Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities" and inserting in lieu thereof "Chairperson of the National Endowment for the Arts, the Chairperson of the National Endowment for the Humanities",

(B) in the second sentence by striking out "Chairman" and inserting in lieu thereof "presiding officer", and

(C) in the last sentence by striking out "he" and inserting in lieu thereof "the President";

(2) in subsection (c)(1) by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson"; and

(3) by striking out subsections (d) and (e) and inserting in lieu thereof the following new subsection:

"(d) The Council shall conduct a study to determine— Study.

"(1) the nature and level of Federal support provided to museums;

"(2) the areas in which such support overlaps or is inadequate, particularly in case of emerging museums;

"(3) the impact of the Institute of Museum Services in carrying out its stated purpose; and

"(4) the impact and nature of conservation and preservation programs being carried out under this Act and other Federal laws and the areas in which such programs overlap or are inadequate.". Conservation.

SEC. 110. ADMINISTRATIVE PROVISIONS.

Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959) is amended—

(1) in subsection (a)—

(A) in the matter preceding clause (1) by striking out "Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities" and inserting in lieu thereof "Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities",

(B) in clause (1)—

(i) by striking out "he" and inserting in lieu thereof "the Chairperson", and

(ii) by striking out "his" and inserting in lieu thereof "the Chairperson's",

(C) in clause (2) by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson",

(D) in clause (3) by striking out "his" and inserting in lieu thereof "the Chairperson's",

(E) in clause (4) by striking out "section 15" and all that follows through "representation" and inserting in lieu thereof "section 3109 of title 5, United States Code",

(F) in the matter following clause (8) by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson", and

(G) by adding at the end thereof the following:

"In selecting panels of experts under clause (4) to review and make recommendations with respect to the approval of applications for financial assistance under this Act, each Chairperson shall appoint individuals who have exhibited expertise and leadership in the field under review, who broadly represent diverse characteristics in terms of aesthetic or humanistic perspective, and geographical factors, and who broadly represent cultural diversity. Each Chairperson shall assure that the membership of panels changes substantially from year to year, and that no more than 20 per centum of the annual appointments shall be for service beyond the limit of three consecutive years on a subpanel. In making appointments, each Chairperson shall give due regard to the need for experienced as well as new members on each panel. Panels of experts appointed to review or make recommendations with respect to the approval of applications or projects for funding by the National Endowment for the Arts shall, when reviewing such applications and projects, recommend for funding only applications and projects that in the context in which they are presented, in the experts' view, foster excellence, are reflective of exceptional talent, and have significant literary, scholarly, cultural, or artistic merit. Whenever there is pending an application submitted by an individual for financial assistance under section 5(c), such individual may not serve as a member of any subpanel (or panel where a subpanel does not exist) before which such application is pending. The prohibition described in the previous sentence shall commence on the date the application is submitted and continue for so long as the application is pending.";

Prohibition.

(2) in subsection (b) by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson"; and

(3) by striking out subsection (d) and inserting in lieu thereof the following new subsections:

"(d)(1) The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities shall conduct a post-award evaluation of projects, productions, and programs for which financial assistance is provided by their respective Endowments under sections 5(c) and 7(c). Such evaluation may include an audit to determine the accuracy of the reports required to be submitted by recipients under clauses (i) and (ii) of paragraph (2)(A). As a condition of receiving such financial assistance, a recipient shall comply with the requirements specified in paragraph (2) that are applicable to the project, production, or program for which such financial assistance is received.

Reports.

"(2)(A) The recipient of financial assistance provided by either of the Endowments shall submit to the Chairperson of the Endowment involved—

"(i) a financial report containing such information as the Chairperson deems necessary to ensure that such financial assistance is expended in accordance with the terms and conditions under which it is provided; Report.

"(ii) a report describing the project, production, or program carried out with such financial assistance; and Report.

"(iii) if practicable, as determined by the Chairperson, a copy of such project, production, or program.

"(B) Such recipient shall comply with the requirements of this paragraph not later than 90 days after the end of the period for which such financial assistance is provided. The Chairperson may extend the 90-day period only if the recipient shows good cause why such an extension should be granted.

"(3) If such recipient substantially fails to satisfy the purposes for which such financial assistance is provided and the criteria specified in the last sentence of subsection (a), as determined by the Chairperson of the Endowment that provided such financial assistance, then such Chairperson may—

"(A) for purposes of determining whether to provide any subsequent financial assistance, take into consideration the results of the post-award evaluation conducted under this subsection;

"(B) prohibit the recipient of such financial assistance to use the name of, or in any way associate such project, production, or program with the Endowment that provided such financial assistance; and

"(C) if such project, production, or program is published, require that the publication contain the following statement: 'The opinions, findings, conclusions, and recommendations expressed herein do not reflect the views of the National Endowment for the Arts or the National Endowment for the Humanities.'.

"(e)(1) The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities, with the cooperation of the Secretary of Education, shall conduct jointly a study of— Study. Education. Schools and colleges.

"(A) the state of arts education and humanities education, as currently taught in the public elementary and secondary schools in the United States; and

"(B) the current and future availability of qualified instructional personnel, and other factors, affecting the quality of education in the arts and humanities in such schools.

"(2) The Endowments shall consult with the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives in the design and implementation of the study required by this subsection. Study.

"(3) Not later than two years after the date of the enactment of the Arts, Humanities, and Museums Amendments of 1985, the Endowments shall submit to the President, the Congress, and the States a report containing— Report. Education.

"(A) the findings of the study under paragraph (1);

"(B) the Endowments' views of the role of the arts and humanities in elementary and secondary education;

"(C) recommendations designed to encourage making arts and humanities education available throughout elementary and secondary schools;

"(D) recommendations for the participation by the National Endowment for the Arts and the National Endowment for the Humanities in arts education and humanities education in such schools; and

"(E) an evaluation of existing policies of the National Endowment for the Arts and the National Endowment for the Humanities that expressly or inherently affect the Endowments' abilities to expand such participation.

Report.

"(f) Not later than October 1, 1987, each Endowment shall submit to the Congress a report detailing the procedures used in selecting experts for appointment to panels and the procedures applied by panels in making recommendations with respect to approval of applications for financial assistance under this Act, including procedures to avoid possible conflicts of interest which may arise in providing financial assistance under this Act.".

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDS AUTHORIZED FOR PROGRAM GRANTS.—Section 11(a)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)) is amended—

98 Stat. 224.

(1) in subparagraph (A) by striking out "$115,500,000" and all that follows through "1985" and inserting in lieu thereof "$121,678,000 for fiscal year 1986, $123,425,120 for fiscal year 1987, $128,362,125 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990"; and

(2) in subparagraph (B) by striking out "$114,500,000" and all that follows through "1985" and inserting in lieu thereof "$95,207,000 for fiscal year 1986, $99,015,280 for fiscal year 1987, $102,975,891 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990;".

(b) FUNDS AUTHORIZED TO MATCH NON-FEDERAL FUNDS RECEIVED.—Section 11(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking out "October 1, 1985" and inserting in lieu thereof "October 1, 1990", and

(ii) by striking out "$18,500,000" the first place it appears and all that follows through "1985" and inserting in lieu thereof "$8,820,000 for fiscal year 1986, $9,172,800 for fiscal year 1987, $9,539,712 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990", and

(B) in subparagraph (B)—

(i) by striking out "October 1, 1985" and inserting in lieu thereof "October 1, 1990",

(ii) in clause (ii) by inserting "and subgrantees" after "grantees" each place it appears, and

(iii) by striking out "$12,500,000" and all that follows through "1985" and inserting in lieu thereof "$10,780,000 for fiscal year 1986, $11,211,200 for fiscal year 1987, $11,659,648 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990"; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking out "October 1, 1985" and inserting in lieu thereof "October 1, 1990", and

(ii) by striking out "$27,000,000" and all that follows through "1985" and inserting in lieu thereof "$20,580,000 for fiscal year 1986, $21,403,200 for fiscal year 1987, $22,259,328 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990",

(B) in subparagraph (B)—

(i) by striking out "October 1, 1985" and inserting in lieu thereof "October 1, 1990", and

(ii) by striking out "$30,000,000" and all that follows through "1985" and inserting in lieu thereof "$19,600,000 for fiscal year 1986, $20,384,000 for fiscal year 1987, $21,199,360 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990", and

(C) in subparagraph (C)—

(i) by striking out "Chairman" and inserting in lieu thereof "Chairperson", and

(ii) by striking out "he" and inserting in lieu thereof "the Chairperson"; and

(3) in paragraph (4) by striking out "Chairman" each place it appears and by inserting in lieu thereof "Chairperson".

(c) FUNDS AUTHORIZED FOR ADMINISTRATION OF PROGRAMS OF THE NATIONAL ENDOWMENTS.—Section 11(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)) is amended—

(1) in paragraph (1) by striking out "$14,000,000" and all that follows through "1985" and inserting in lieu thereof "$15,982,000 for fiscal year 1986, $16,205,280 for fiscal year 1987, $16,853,491 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990";

(2) in paragraph (2) by striking out "$13,000,000" and all that follows through "1985" and inserting in lieu thereof "$14,291,000 for fiscal year 1986, $14,446,640 for fiscal year 1987, $15,024,506 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990"; and

(3) by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson".

(d) AUTHORIZATION MAXIMUMS.—Section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960) is amended— 98 Stat. 225.

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The total amount of appropriations to carry out the activities of the National Endowment for the Arts shall not exceed—

"(A) $167,060,000 for fiscal year 1986,

"(B) $170,206,400 for fiscal year 1987, and

"(C) $177,014,656 for fiscal year 1988.

"(2) The total amount of appropriations to carry out the activities for the National Endowment for the Humanities shall not exceed—

"(A) $139,878,000 for fiscal year 1986,

"(B) $145,057,120 for fiscal year 1987, and

"(C) $150,859,405 for fiscal year 1988.".

(e) TECHNICAL AMENDMENT.—Section 11(e) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)), as redesignated by subsection (d) of this section, is amended by striking out "under this title".

SEC. 112. APPLICATION OF AMENDMENTS.

Prohibition.
Ante, pp. 1333, 1335.
20 USC 954 note.

The amendments made by sections 105(3) and 107(3) shall not apply with respect to plans submitted for financial assistance to be provided with funds appropriated for fiscal year 1986.

TITLE II—AMENDMENTS TO MUSEUM SERVICES ACT

SEC. 201. NATIONAL MUSEUM SERVICES BOARD.

98 Stat. 225.

Section 204 of the Museum Services Act (20 U.S.C. 963) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking out the second sentence and inserting in lieu thereof the following:

"Such members shall be selected from among citizens of the United States who are members of the general public and who are—

"(A) broadly representative of the various museums, including museums relating to science, history, technology, art, zoos, and botanical gardens, and of the curatorial, educational, and cultural resources of the United States; and

"(B) recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

Members shall be appointed to reflect various geographical regions of the United States. The Board may not include, at any time, more than three members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved in such museums.", and

Prohibition.

President of U.S.
Discrimination, prohibition.

(B) in paragraph (2)(A) by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson";

(2) in the last sentence of subsection (b) by striking out "his" each place it appears and inserting in lieu thereof "such member's"; and

(3) in subsections (c) and (d) by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson".

SEC. 202. DIRECTOR OF THE INSTITUTE.

98 Stat. 225.

Section 205(a)(2) of the Museum Services Act (20 U.S.C. 964(a)(2)) is amended by striking out "his" and inserting in lieu thereof "the Chairperson's".

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

98 Stat. 225.

(a) Section 209(a) of the Museum Services Act (20 U.S.C. 967(a)) is amended by striking out "$25,000,000" and all that follows through "1985" and inserting in lieu thereof "$21,600,000 for fiscal year 1986, $22,464,000 for fiscal year 1987, $23,362,560 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990".

(b) Section 209(d) of the Museum Services Act (20 U.S.C. 967(d)) is amended by striking out "1985" and inserting in lieu thereof "1990".

TITLE III—AMENDMENTS TO ARTS AND ARTIFACTS INDEMNITY ACT

SEC. 301. FEDERAL COUNCIL MEMBERSHIP.

Section 2(b) of the Arts and Artifacts Indemnity Act (20 U.S.C. 971(b)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) For purposes of this Act, the Secretary of the Smithsonian Institution, the Director of the National Gallery of Art, the member designated by the Chairman of the Senate Commission of Art and Antiquities and the member designated by the Speaker of the House of Representatives shall not serve as members of the Council.". Prohibition.

SEC. 302. ELIGIBILITY FOR INDEMNITY.

(a) Section 3(b)(1) of the Arts and Artifacts Indemnity Act (20 U.S.C. 972(b)(1)) is amended by striking out ", or elsewhere when part of an exchange of exhibitions, but in no case shall both parts of such an exhibition be so covered" and inserting in lieu thereof "or elsewhere preferably when part of an exchange of exhibitions".

(b) The amendment made by paragraph (1) shall apply with respect to any exhibition which is certified under section 3(a) of the Arts and Artifacts Indemnity Act after the date of enactment of this Act. 20 USC 972 note.

SEC. 303. INDEMNITY AGREEMENT.

(a) Section 5(b) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(b)) is amended by striking out "$400,000,000" and inserting in lieu thereof "$650,000,000".

(b) Section 5(c) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(c)) is amended by striking out "$50,000,000" and inserting in lieu thereof "$75,000,000".

TITLE IV—ALTERNATIVE FEDERAL FUNDING OF THE ARTS AND HUMANITIES

SEC. 401. STUDY OF ALTERNATIVE FUNDING OF THE ARTS AND THE HUMANITIES.

(a) STUDY REQUIRED.—(1) The Comptroller General of the United States shall conduct a study to determine the feasibility of supplementing expenditures made from the general fund of the Treasury of the United States for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services through other Federal funding mechanisms. The study required by this section shall consider, but is not limited to, the consideration of the following funding sources:

(A) A revolving fund comprised of payments made to the Federal Government through an extension of the existing Federal copyright period for artistic, dramatic, literary, and musical works. Copyrights.

(B) A revolving fund comprised of payments made to the Federal Government for the right to use or publicly perform artistic, dramatic, literary, and musical works in the public domain.

(2) In carrying out the study required by this section, the Comptroller General shall frequently consult with and seek the advice of the Chairperson of the National Endowment for the Arts,

the Chairperson of the National Endowment for the Humanities, the Director of the Institute of Museum Services, the Register of Copyrights, the Chairman of the Labor and Human Resources Committee of the Senate, the Chairman of the Education and Labor Committee of the House of Representatives, the Chairman of the Committee on the Judiciary of the Senate, and the Chairman of the Committee on the Judiciary of the House of Representatives, concerning the scope, direction, and focus of the study.

(3) In conducting the study required by this section, the Comptroller General shall consider the impact which the implementation of each supplemental funding mechanism would have on—

Copyrights.

(A) any international copyright treaties, commitments, and obligations to which the United States is a party;

(B) public participation in the arts and the humanities;

(C) private, corporate, and foundation support for the arts and the humanities;

(D) the overall quality of arts and the humanities in the United States;

(E) the creative activities of individual authors and artists; and

Copyrights.

(F) the activities and operations of private copyrighting organizations.

(b) REPORT.—The Comptroller General shall prepare and submit to the Congress not later than one year after the date of enactment of this Act a report of the study required by this section, together with such recommendations as the Comptroller General deems appropriate.

TITLE V—CONSTITUTIONAL BICENTENNIAL EDUCATION PROGRAM

SEC. 501. EDUCATION PROGRAM FOR THE COMMEMORATION OF THE BICENTENNIAL OF THE CONSTITUTION OF THE UNITED STATES AND THE BILL OF RIGHTS.

(a) GENERAL AUTHORITY.—(1) The Commission on the Bicentennial of the United States Constitution shall, in accordance with the provisions of this section, carry out an education program for the commemoration of the bicentennial of the Constitution of the United States and the Bill of Rights.

(2) To commemorate the bicentennial anniversary of the Constitution of the United States and the Bill of Rights, the Commission—

Grants.
Schools and colleges.

(A) is authorized to make grants to local educational agencies, private elementary and secondary schools, private organizations, individuals, and State and local public agencies in the United States for the development of instructional materials and programs on the Constitution of the United States and the Bill of Rights which are designed for use by elementary or secondary school students; and

Schools and colleges.

(B) shall implement an annual national bicentennial Constitution and Bill of Rights competition based upon the programs developed and used by elementary and secondary schools.

(3) In carrying out the program authorized by this section, the Chairman of the Commission shall have the same authority as is established in section 10 of the National Foundation on the Arts and the Humanities Act of 1965.

20 USC 959.

(b) DEFINITION.—For the purpose of this section, the term "Commission" means the Commission on the Bicentennial of the United States Constitution.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1987, 1988, 1989, 1990, and 1991 to carry out the provisions of this section.

(2) Amounts appropriated pursuant to paragraph (1) may be used for necessary administrative expenses, including staff.

TITLE VI—POET LAUREATE CONSULTANT IN POETRY

SEC. 601. AUTHORITY FOR POET LAUREATE CONSULTANT IN POETRY. 2 USC 177.

(a) RECOGNITION OF THE CONSULTANT IN POETRY.—The Congress recognizes that the Consultant in Poetry to the Library of Congress has for some time occupied a position of prominence in the life of the Nation, has spoken effectively for literary causes, and has occasionally performed duties and functions sometimes associated with the position of poet laureate in other nations and societies. Individuals are appointed to the position of Consultant in Poetry by the Librarian of Congress for one- or two-year terms solely on the basis of literary merit, and are compensated from endowment funds administered by the Library of Congress Trust Fund Board. The Congress further recognizes this position is equivalent to that of Poet Laureate of the United States. Library of Congress.

(b) POET LAUREATE CONSULTANT IN POETRY ESTABLISHED.—(1) There is established in the Library of Congress the position of Poet Laureate Consultant in Poetry. The Poet Laureate Consultant in Poetry shall be appointed by the Librarian of Congress pursuant to the same procedures of appointment as established on the date of enactment of this section for the Consultant in Poetry to the Library of Congress. Library of Congress.

(2) Each department and office of the Federal Government is encouraged to make use of the services of the Poet Laureate Consultant in Poetry for ceremonial and other occasions of celebration under such procedures as the Librarian of Congress shall approve designed to assure that participation under this paragraph does not impair the continuation of the work of the individual chosen to fill the position of Poet Laureate Consultant in Poetry.

(c) POETRY PROGRAM.—(1) The Chairperson of the National Endowment for the Arts, with the advice of the National Council on the Arts, shall annually sponsor a program at which the Poet Laureate Consultant in Poetry will present a major work or the work of other distinguished poets.

Appropriation authorization.

(2) There are authorized to be appropriated to the National Endowment for the Arts $10,000 for the fiscal year 1987 and for each succeeding fiscal year ending prior to October 1, 1990, for the purpose of carrying out this subsection.

Approved December 20, 1985.

LEGISLATIVE HISTORY—S. 1264 (H.R. 3248):

HOUSE REPORT No. 99-274 accompanying H.R. 3248 (Comm. on Education and Labor).
SENATE REPORT No. 99-125 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 131 (1985):
Oct. 3, considered and passed Senate.
Oct. 10, H.R. 3248 considered and passed House; proceedings vacated and S. 1264 amended, passed in lieu.
Dec. 3, Senate concurred in House amendments with amendment.
Dec. 4, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 21, No. 51 (1985):
Dec. 20, Presidential statement.

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